



Memorandum

TO: PLANNING COMMISSION

FROM: Stephen M. Haase, AICP

SUBJECT: SEE BELOW

DATE: June 23, 2003

COUNCIL DISTRICT: 3

SUBJECT: VACATION OF A PORTION OF A PUBLIC SERVICE/UTILITY EASEMENT LOCATED IN THE RIGHT-OF-WAY OF A PRIVATE STREET (FORMERLY TECHNOLOGY DRIVE).

BACKGROUND

This is a request to vacate an approximately 36-foot-wide Public Service/Utility Easement along the right-of-way of a private street (formerly Technology Drive) located at the terminus of Technology Drive to the north, between Skyport Drive and Sonora Avenue. Technology Drive was vacated as a public street in 1998. However, a public service/utility easement was reserved for existing utility facilities over the entire portion of Technology Drive that was vacated. A previously approved Planned Development Permit (PD01-118) was conditioned to require that the herein vacation request be processed in order to accomplish the approved land use plan. The approved land use plan included the construction of a swimming pool and a pool house on this portion of the site.

The Department of Public Works has reviewed the application and has determined that this area is no longer needed for public use. All concerned utility companies have been contacted and have no objections to the proposed vacation. Planning staff recommends that this request be approved.

This vacation and the residential development that it facilitates are in conformance with the adopted San José 2020 General Plan Land Use/Transportation Diagram and the approved Planned Development Zoning and Permit.

CEQA

The Director of Planning has determined that the proposed vacation and the associated property improvement will not result in any new significant effects beyond those analyzed in the Final Environmental Impact Report entitled, "Spieker Properties/Skyport Rezoning Project," and certified on February 29, 2000 by the City Council.

RECOMMENDATION

Planning Staff recommends approval of the vacation, to the satisfaction of the Director of Public Works.

STEPHEN M. HAASE, AICP, DIRECTOR
Planning, Building and Code Enforcement